

PRESENT:

Dr. Edgar V. Wallin, Chairman

Mr. J. Dale Patton, Vice-Chairman

Dr. William P. Brown

Mr. Russell J. Gulley

Mr. Reuben J. Waller, Jr.

Mr. Kirkland A. Turner, Secretary to the Commission,

Planning Director

ALSO PRESENT:

Mr. Michael E. Tompkins, Assistant Director,

Development Review Section, Planning Department

Mr. Glenn Larson, Assistant Director,

Plans and Information Section, Planning Department

Ms. Bonnie L. Perdue, Clerk to the Commission,

Plans and Information Section, Planning Department

Mr. Steve Haasch, Planning Manager,

Plans and Information Section, Planning Department

Mr. Rob Robinson, Senior Assistant County Attorney,

County Attorney's Office

Ms. Tara McGee, Senior Assistant County Attorney,

County Attorney's Office

Mr. Greg Allen, Planning Manager,

Development Review Section, Planning Department

Ms. Jane Peterson, Planning Manager,

Development Review Section, Planning Department

Mr. Robert Clay, Planning and Special Projects Manager.

Development Review Section, Planning Department

Ms. Darla Orr, Planning and Special Projects Manager,

Development Review Section, Planning Department

Mr. Ryan Ramsey, Planning and Special Projects Manager,

Development Review Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator,

Development Review Section, Planning Department

Mr. Jesse Smith, Director,

Transportation Department

Mr. Scott Smedley, Director

Environmental Engineering Department

Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology Department

Firefighter Greg Smith, Fire and Life Safety,

Fire and EMS Department

Dr. Cynthia Richardson, Planning Administrator,

Chesterfield County Public Schools

Mr. Will Davis. Director

Chesterfield Economic Development

Dr. David Pritchard, Special Projects Manager,

County Administration

Mr. James Bowling, Principal Planner,

Plans and Information Section, Planning Department

ASSEMBLY AND WORK SESSION.

Messrs. Wallin, Patton, Brown, Gulley and Waller and staff assembled at 12:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

Mr. Kirk Turner called the meeting to order.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions, or changes in the order of presentation.

III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for January, February, March and April.

IV. REVIEW DAY'S AGENDA.

Ms. Jane Peterson provided an overview to the Commission of the nine (9) cases for today's agenda.

V. WORK PROGRAM - REVIEW AND UPDATE. 🖹

Mr. Turner advised at the most recent Board meeting, the Board requested the Commission consider options on restricting through truck movement on Woods Edge Road. The Board has given the Commission until April 30, 2015 to return a recommendation. Staff requests the Commission permit them to meet with Mr. Patton to develop a scope and schedule for this project and to present it at the January 2015 Planning Commission work session.

Mr. Patton advised citizen input went directly to the Board concerning increased truck traffic on Woods Edge Road. The current road configuration cannot handle existing truck traffic and the traffic congestion at Amazon. Once Tranlin Paper Company, Ltd opens, truck traffic will increase creating more problems given the existing road design. Mr. Patton looks to the Commission for suggestions and input regarding transportation infrastructure for this area that will address residential and commercial interests.

In response to a question from Dr. Wallin relative to community meetings, Mr. Patton replied that there could be community meetings about this issue and he anticipates Transportation will weigh in on concerns from residents that live on Woods Edge Road, Ruffin Mill Road, and Old Bermuda Hundred Road and is open to all suggestions.

Mr. Gulley recommended we use the Public Meeting Room to have a public meeting or could hold a special session.

Mr. Patton stated he would like this to be added to the work session for the January 2015 meeting.

VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.

There were no questions relative to the follow-up items list.

VII. (15PJ0107) ECONOMIC DEVELOPMENT PRESENTATION.

Mr. Will Davis, Director with Economic Development presented an overview to the Commission relative to the increase in new business investments, jobs and tourism in Chesterfield County.

VIII. (15PJ0109) FALLING CREEK RESERVOIR UPDATE PRESENTATION.

Mr. Scott Smedley updated the Commission on Chesapeake Total Maximum Daily Load (TMDL) and Municipal Separate Storm Sewer System (MS4). The Department of Environmental Quality (DEQ) has finished reviewing comments received from our advertisement in October and were sent to EE this week. The County Compliance Plan is comprised of Stream Restoration, which will restore fourteen miles of stream, Falling Creek Reservoir Restoration which will restore lost water volume, dredge four (4) major zones and satisfy forty (40) per cent of the Compliance Plan and BMP Runoffs.

In response to a question from Mr. Patton relative to the Swift Creek Reservoir, Mr. Smedley replied it is not a potable water source but will remain a BMP. The nature of the water quality does not lend itself to be used a potable water.

In response to a question from Mr. Gulley relative to excavation of the Swift Creek Reservoir, Mr. Smedley replied if we want to take advantage of the Swift Creek Reservoir as a BMP, it will be expensive to maintain annually.

In response to a question from Mr. Waller relative to rights to use surface water at the Swift Creek Reservoir for recreation use, Mr. Smedley replied the County does not currently own any property around the reservoir where a boat or canoe could be launched. We own the dam but not the land under the water.

IX. (15PJ0108) BUDGET DEPARTMENT PRESENTATION.

Mr. Allan Carmody, Director of Finance presented an overview to the Commission relative to Cash Proffers updates.

The Commission recessed at 2:10 p.m.

The Commission reconvened at 2:17 p.m.

X. (15PJ0106) CRATER PLANNING DISTRICT COMMISSION PRESENTATION. 🗈

Mr. Dennis Morris, Executive Director of the Crater Planning District Commission presented an overview to the Commission.

XI. (13PJ0125) COMPREHENSIVE PLAN IMPLEMENTATION UPDATE.

Dr. David Pritchard presented an overview to the Commission regarding updates which include a presentation at the January 2015 Planning Commission work session by Deputy County Administrator, Mr. William Dupler to discuss the progress of Revitalization. The Phase 2 items that have been completed are Tower Siting Policy, Virginia Stormwater Management Program, Erosion & Sediment Control Ordinance, Sustainable Building Guidelines, Infill, Water Resource Protection Education, and Educational Opportunities at BMP's at Public Facilities, Housing Maintenance Strategy and Reducing Water Demands Strategy. Items that are substantively completed are Site Evaluation Team and Surplus County Property Policies. One closed item is the Impact Evaluation on Public Facilities. The Ettrick VSU Special Area Plan (SAP) will be presented today and the Bon Air SAP is due to be presented in May 2015. Substantial Accord Policy is on track as well and individual briefings are being scheduled with the Board and Commission members beginning in January 2015. The next SAP's will be in Northern Jeff Davis and the Midlothian Area Community and will begin after the Ettrick SAP and Bon Air SAP are complete.

The Commission recessed at 3:11 p.m.

The Commission reconvened at 3:15 p.m.

XII. (14PJ0110) ETTRICK VSU SPECIAL AREA PLAN.

Mr. Steve Haasch presented an overview to the Commission for the Ettrick VSU Special Area Plan which is the first of the special area plans to be presented to the Commission. The Ettrick VSU SAP builds upon the existing Plan and once adopted, it will be inserted into Chapter 11 of the Plan. This first SAP will serve as a guide for the Board, Commission, Zoning and other County departments when shaping future Special Area Plans in the County.

Mr. Jimmy Bowling expanded on the draft for the Ettrick VSU Special Area Plan highlighting the growth in the Ettrick VSU area and the increasing importance of the multi-rail system to support academic, residential and retail expansion. VSU's development plan is compatible with the County Plan. When VSU speaks about possible new entrances to the campus, those changes dovetail with

County changes on Chesterfield Avenue, their proposed changes with utilities tie into changes the County has in store for the area.

In response to a question from Mr. Waller relative to VSU having a copy of the Ettrick VSU Special Area Plan, Mr. Bowling responded that VSU did have access to the report and they support the Ettrick VSU SAP.

In response to a question from Mr. Patton relative to part of the river being impaired, Mr. Smedley stated he didn't have information at this time to support that. Mr. Haasch stated the access being requested near the river would be for hiking trails, canoeing and other recreational purposes.

Mr. Tuner suggested adding an item to the January 20, 2015 work session for the revisions to the Ettrick Special Area Plan.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission resolved to set a public hearing on the Ettrick VSU Special Area Plan to the January 20, 2015 Planning Commission meeting.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

XIII. TOWER SITING PRESENTATION.

On motion of Mr. Patton, seconded by Mr. Gulley, the Commission moved to hear the Tower Siting Policy to the January 20, 2015 Planning Commission Work Session.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

XIV. DINNER BREAK.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 5:20 p.m., agreeing to meet in the Executive Meeting Room for dinner, and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

II. <u>INVOCATION</u>.

Dr. Brown presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Sawyer Hess, Nicole Hyatt, Hailey Hightower and Jasmine Conley, students from Clover Hill Elementary School led the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agendas for January, February, March and April 2015.

V. APPROVAL OF THE PLANNING COMMISSION MINUTES.

November 18, 2014 Minutes. ■

On motion of Mr. Patton, seconded by Dr. Brown the Commission resolved to approve the November 18, 2014 Planning Commission minutes.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to move Case 15SN0518 to the first item on the discussion agenda.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. <u>CITIZEN COMMENT ON UNSCHEDULED MATTERS.</u>

There were no citizens' comments on unscheduled matters.

IX. PUBLIC HEARING.

• <u>DEFERRAL REQUEST BY APPLICANT - REZONING.</u>

A. 13SN0110: In Matoaca Magisterial District, Chesterfield DD, Inc. requests rezoning from Residential Townhouse (R-TH) to Community Business (C-3) with conditional use to permit multifamily and townhouse residential uses plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 85.4 acres fronting 460 feet on the south line of Hull Street Road, across from Cosby Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (minimum 4.0 to 8.0 dwellings per acre), Suburban Residential I use (maximum of 2.0 dwellings per acre) and Neighborhood Business uses. Tax IDs 717-669-2537; and 717-670-1030, 1751, 2877 and 8050.

Mr. Jack Wilson, the applicant's representative, requested deferral of Case 13SN0110 to the June 16, 2015 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

The following motion was made at the applicant's request.

On motion of Dr. Wallin, seconded by Dr. Brown, the Commission resolved to defer Case 13SN0110 to the June 16, 2015 public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

CONSENT ITEMS - REZONINGS.

C. <u>15SN0518</u>: In Clover Hill Magisterial District, **Rita Randolph Jones** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .8 acre known as 3900 Round Hill Court. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 764-690-6673.

This case was moved to the second item on the discussion agenda, Section XI.

E. <u>15SN0562</u>: In Clover Hill Magisterial District R. E. Collier Builder, Inc. requests rezoning from Agricultural (A) to Residential (R-15) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 5.2 acres lying 160 feet off the east line of Rams Crossing at Brookstone Crossing, 715 feet south of Rams Crossing Court. Residential use of up to 2.90 units per acre is permitted in the Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for Mixed Use Corridor use. Tax IDs 755-690-9053 and 756-690-0292.

This case was moved to the first item on the discussion agenda, Section XI.

G. <u>15PD0136</u>: In Clover Hill Magisterial District, Marianna Parlanti requests substantial accord determination to permit a communications antenna (data node) and amendment of zoning district map in a Light Industrial (I-1) District on 18 square feet of a .8 acre parcel known as 13541 Waterford Place. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax ID 729-688-Part of 8382.

Ms. Lori Schweller, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15PD0136 subject to the following conditions:

CONDITIONS:

- 1. There shall be no signs permitted to identify this use. (P)
- 2. The color, design and lighting system for the tower shall be as follows:
 - a. All visible components of the small cell equipment shall have a durable finish color that matches the building upon which it is located, as approved by the planning department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the planning department, to include matching any repainting of the building upon which it is mounted.
 - b. The tower shall not be lighted.
 - c. The tower shall be a small cell/data node structure with a 15 inch diameter cylindrical/canister antenna, 2 feet in height, mounted onto the roof of a building, generally as located on Graphic 3, Attachment 2. (P)
- 3. Other than the antenna, any mechanical equipment shall comply with the Zoning Ordinance relative to screening of mechanical equipment in O, C and I Districts. (P)

(NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way.)

- 4. Prior to use of this telecommunications tower, the owner of the tower shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
- 5. The tower shall not exceed a height of 25 feet. (P)
- 6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

H. <u>15PD0138</u>: In Midlothian Magisterial District, Zaremba Metro Midlothian, LLC requests substantial accord determination to permit a communications antenna (data node) and amendment of zoning district map in a General Industrial (I-2) District on 18 square feet of a 102 acre parcel located in the northeast corner of Midlothian Turnpike and Watkins Center Parkway. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax ID 717- 712-Part of 0232.

Ms. Lori Schweller, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 15PD0138 subject to the following conditions:

CONDITIONS:

- 1. There shall be no signs permitted to identify this use. (P)
- 2. The color, design and lighting system for the tower shall be as follows:
 - a. The tower shall be a small cell/data node structure with a 15 inch diameter cylindrical/canister antenna, 2 feet in height, mounted onto the roof of a building, generally as located on Graphic 3, Attachment 2.
 - b. The components of the small cell equipment shall have a durable finish color that matches the building upon which it is located, as approved by the planning department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the planning department, to include matching any repainting of the building upon which it is mounted
 - c. The tower shall not be lighted. (P)
- 3. Other than the antenna, any mechanical equipment shall comply with the Zoning Ordinance relative to screening of mechanical equipment in O, C and I Districts. (P)

(NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way.)

- 4. Prior to use of this telecommunications tower, the owner of the tower shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
- 5. The tower shall not exceed a height of 25 feet. (P)

6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- **1.** <u>15SN0600</u>: In Matoaca Magisterial District, **Bayhill Development Corp.** requests amendment of zoning (Case 06SN0106) relative to reduction of cash proffers and amendment of zoning district map in a Residential (R-12) District on 59.2 acres lying 1430 feet off the south line of Bailey Bridge Road, 610 feet south of Battlecreek Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 735-668- 8457; 736-668-2699; and 736-669-3468.
 - Mr. Glenn Hill, the applicant, accepted staff's recommendation.
 - Dr. Wallin opened the floor for public comments.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 15SN0600 subject to the following proffered condition:

PROFFERED CONDITION:

With the approval of this case, Proffered Condition 3 of Case 06SN0106 shall be amended as follows:

Cash Proffers: For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:

- a) \$18,966 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulate change in the Marshall and Swift Building Cost index during that time period.
- b) Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- c) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

CONDITIONAL USES AND REZONING – OTHER.

E. <u>15SN0562</u>: In Clover Hill Magisterial District R. E. Collier Builder, Inc. requests rezoning from Agricultural (A) to Residential (R-15) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 5.2 acres lying 160 feet off the east line of Rams Crossing at Brookstone Crossing, 715 feet south of Rams Crossing Court. Residential use of up to 2.90 units per acre is permitted in the Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for Mixed Use Corridor use. Tax IDs 755-690-9053 and 756-690-0292.

Ms. Darla Orr presented an overview to the Commission and staff's recommendation for approval. There are amendments to proffered conditions in response to concerns expressed by area residents. The applicant proposes access through Bexley East and Rams Crossing. They are requesting rezoning of R-15; a maximum of two (2) dwellings per acre, open space is required for reduced lot sizes and includes any required buffers and focal points. They are offering street trees as well as foundation and supplemental plantings, architectural treatment with varying facades and no vinyl or front loaded garages, fifty (50) year roofs, a minimum house size of 2350 square feet and Bexley covenants. It complies with The Eastern Route 360 Corridor Plan and addresses development impacts on capital facilities.

In response to a question from Mr. Patton relative to orientation of the proposed dwellings, Ms. Orr responded the concept plan, while not proffered, indicates lots would face internal streets.

In response to a question from Dr. Brown relative to the maximum number of dwelling units, Ms. Orr responded it was based on two (2) dwellings per acre.

Mr. Andy Scherzer the applicant's representative stated the applicant has promised larger homes and a quality product.

Dr. Wallin opened the floor for public comments.

Mr. Brown Pearson does not support the development density, indicating seven (7) lots would be more in keeping with area development.

Messrs. Paul Grasewicz and Bob Olsen support the case, noting the proffers incorporate quality development standards and address impacts on capital facilities.

Mr. Burgener, representing the Bexley Homeowners' Association, indicated the Association had voted seven (7) to one (1) to support the request as presented.

There being no one else to speak, Dr. Wallin closed the public hearing.

In response to a question from Mr. Waller relative to the number of lots, Mr. Scherzer confirmed that the intent of the applicant was to develop eight (8) lots and was receptive to amending the proffers to reduce the number of proposed lots to eight (8).

In response to a question from Mr. Gulley relative to the stub road, Mr. Jesse Smith responded the stub road to the south satisfies VDOT requirements for State road acceptance.

Mr. Gulley summarized that this property is at the edge of Bexley and proffers have been offered to blend with this neighboring community; the development would be geared towards empty nesters; and proffered conditions anticipate a quality development. He commended the applicant for his dedication to the Bexley community as a quality builder.

Drs. Wallin and Brown concurred with Mr. Gulley's comments.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0562 subject to the following proffered conditions:

PROFFERED CONDITIONS:

- 1. <u>Master Plan</u>. The Textual Statement dated August 8, 2014, revised November 7, 2014, shall be considered the Master Plan. (P)
- 2. Buffers. All required buffers shall be located within recorded open space.(P)
- 3. <u>Density.</u> The maximum density of this development shall not exceed eight (8) lots. (P)
- 4. Architectural/Design Elements.

A. Driveways/Walks

- 1. Driveways: All private driveways serving residential uses shall be hardscaped.
- 2. Front Walks: A minimum of a four (4) foot wide hardscaped front walk shall be provided to each dwelling unit.

B. Landscaping and Yards

- 1. Street Trees: Street trees shall be planted or retained along both sides of all streets that provide general circulation.
- 2. Supplemental Trees: Prior to the issuance of a final Certificate of Occupancy for each dwelling unit, a minimum of one (1) flowering tree shall be planted in each front yard. At the time of planting, these supplemental trees shall have a minimum caliper of 2" measured at breast height (4'-10" above ground).
- 3. Front Foundation Planting Beds: Foundation planting is required along the entire front façade of all dwelling units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall include medium shrubs

spaced a maximum of four (4) feet apart. Unit corners shall be visually softened with vertical accent shrubs (4'-5') or small evergreen trees (6'-8') at the time of planting.

C. <u>Architecture and Materials</u>

- Style and Form: The architectural styles shall be interpretations of traditional Richmond architecture, using forms and elements compatible with those in the adjacent Bexley Subdivision such as Georgian, Adam, Classical Revival Colonial, Greek Revival, Queen Anne, and Craftsman Styles.
- 2. Repetition: Dwellings with the same elevations may not be located adjacent to, directly across from, or diagonally across from each other on the same street. This requirement does not apply to units on different streets backing up to each other.
- Foundations: The exposed portion of any foundation shall be brick or stone. Synthetic or natural stucco foundations may be permitted for façades constructed entirely of stucco. Rear walkout basement walls may be sided or cast concrete painted to match house.
- 4. Exterior Façades: Acceptable siding materials include brick, stone, masonry, stucco synthetic stucco (E.I.F.S), and approved horizontal lap siding. Horizontal lap siding may be manufactured from natural wood or cement fiber board. Plywood, vinyl and metal siding are not permitted. Additional siding requirements:
 - a. Where a dwelling borders more than one street, all street-facing facades shall be finished in the same materials.
 - Cementitious siding is permitted in traditional wide beaded styles only, unless otherwise approved by the Architectural Board for special design conditions.
 - c. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.
- D. <u>Roof Material</u>: Roofing material shall be dimensional architectural shingles or better with a minimum 50 year warranty.
- E. Porches, Stoops and Decks

- 1. <u>Front Porches</u>: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of five (5)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns.
- F. <u>Front Porch Flooring</u>: Porch flooring may be concrete, exposed aggregate concrete or a finished paving material such as stone, tile or brick, finished (stained dark) wood, or properly trimmed composite decking boards. Unfinished treated wood decking is not acceptable. All front steps shall be masonry to match the foundation. (P)
- 5. <u>Cash Proffer.</u> For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:
 - A. \$18,966.00 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulate change in the Marshall and Swift Building Cost Index during that time period.
 - B. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B)
- 6. The minimum gross floor area for each dwelling unit shall be 2,000 square feet for one story and 2,200 square feet for more than one story.
- 7. If approved by VDOT, roll-face curb (combination 4" curb and gutter, CG-7) shall be constructed along all public roads (T)
- 8. The following shall be recorded as Deed Restrictions in conjunction with the recordation of any subdivision plat:

RESTRICTIVE COVENANTS

THIS DECLARATION	OF RESTRICTIONS,	COVENANTS AN	ND CONDITIONS,	is made and
executed this	day of _		by R. E	. Collier, Inc.
Builder, (the Owner), _		·		

Recitals:

- A. The Owner is the fee simple owner of certain real property located in Chesterfield County, Virginia, as shown on Exhibit A attached hereto and made a part hereof, and it is his desire to provide for the orderly development of a residential community thereon.
- B. The Owner desires to subject the Property to the covenants and restrictions as hereinafter set forth for the benefit of the Property and each Owner of a portion thereof.
- NOW, THEREFORE, the Owner hereby declares his Property is and shall be held, transferred, sold, conveyed, occupied and used subject to the covenants, conditions and restrictions hereinafter set forth, such covenants conditions and restrictions to run with, bind and burden the Property for and during the period of time hereinafter specified.
- A. <u>Additions to the Property by Owner.</u> As long as the Owner owns any real property in the general area of the Property described in Exhibit A hereto, the Owner may submit additional real property to the Provisions of this Declaration by filing a supplement hereto in the appropriate Clerk's Office.

B. Architectural Control Committee.

- 1. No building, structure, outbuilding, fence, wall or improvement of any nature whatsoever (except for interior alterations to existing structures not affecting the external structure or appearance of any improvement on any portion of the Property) shall be constructed or modified on the Property unless and until the plans for such construction shall have been approved in writing by the Architectural Control Committee (the Committee). The plans submitted to the Committee for approval shall include (1) the construction plans and specifications and related drawings, and (2) a plat showing the location of all proposed improvements.
- 2. No plans for a primary dwelling to be constructed on the Property shall be submitted for such approval unless the living area of such dwelling. exclusive of open porches, attics, basement, and garages shall exceed 2,000 square feet for one story residences, and 2,200 square feet for two story residences; provided, however that this provision may be waived in writing by the Committee.
- 3. Approval by the Committee shall be based upon compliance with the provisions of this Declaration, the quality of workmanship and materials, harmony of external design with surrounding structures, location of improvements with respect to topography and finished grade elevation, the effect of the construction on the outlook from surrounding portions of the Property, color schemes and all other factors which in the reasonable opinion of the Committee will affect the desirability or suitability of the proposed improvements in relation to the aesthetic quality of the Property.
- 4. Approval or disapproval of each application to the Committee shall be given to the applicant in writing within thirty days of receipt of a complete set of plans and application. In the event the approval or disapproval is not forthcoming within thirty days, unless an extension is agreed to by the applicant in writing, the application shall be deemed approved and the construction of the applied for improvements may be commenced provided that all such construction is in accordance with the submitted plans and provided further that such plans conform in all respects to the other terms and provisions of this Declaration.

- 5. Approval by the Committee shall not constitute a basis for liability of the members of the Committee, the Committee or the Owner for any reason including with limitation (i) failure of the plans to conform to any applicable building codes or (ii) inadequacy or deficiency in the plans resulting in defects in the improvements.
- 6. The Committee shall be composed of three individuals appointed by R. E. Collier, Inc.-Builder, Owner. These members may be removed by the Owner with or without cause and all successors shall be appointed by the Owner as stated above as long as the Owner had ownership interest in the Property and thereafter as the owners of portions of the Property shall determine among themselves. The committee members shall not be entitled to any compensation for their activities hereunder. The Committee may designate a representative to act in its behalf who need not be a member of the Committee and such representative shall not be entitled to compensation for his activities hereunder.
- 7. The authority of the Committee hereunder, its procedure and make-up may be modified or abrogated by duly recorded instruments executed by the then owners of eighty percent of the lots created on the Property, except as to the rights of the Owner as provided in Paragraphs 2 and 6 of this section entitled Architectural Control Committee.

C. Restrictions.

- 1. No lot shown on a plat of subdivision of the Property (lot) shall be used except: for purposes incidental thereto, except for model homes utilized by builders. Only one residence shall be constructed on a lot; provided, however, that suitable outbuildings and other improvements of the same construction and exterior siding as the main residence may be constructed if approved by the Committee as hereinbefore provided.
- 2. No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than six square feet advertising on the lot for sale, or signs used by a builder to advertise the Lot during the construction sales period.
- 3. No trailer, tent, shack, garage, barn or other outbuildings erected on any Lot shall at any time be used as a residence, temporarily or permanently, and no structure of a temporary character be used as a residence.
- 4. No trailer, camper, recreational vehicle or boat having a height of five feet or more or truck having a height of seven feet or more shall be parked on the street in front of any residence. Trailers, campers, recreational vehicles, boats or trucks of this nature shall not be parked over twelve hours in any one week on any Lot, including any driveway, so as to be visible from any street or other portion of the Property.
- 5. No motor vehicle shall be parked for more than twelve hours in any one week on any Lot without having a current Virginia, or other state.
- 6. Each primary dwelling shall have a roof which consist of synthetic slate, natural slate, metal, concrete shingle or "hard" type roof or a high definition architectural shingle with a life-time (50 year) warranty as approved by the Committee.
- 7. All driveways shall consist of exposed aggregate concrete, asphalt, or other masonry pavement, to include individual concrete pavers.
- 8. All mailboxes shall be identical in design and provided by the owner to the original purchaser of any lot and shall remain with the lot when such lot is resold.
- 9. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats and other household pets may be kept, provided (i) they are not raised, bred or kept for commercial purposes (ii) they shall not become an annoyance or nuisance to other Lot owners.
- 10. No obnoxious or offensive activity shall be carried on or allowed upon any portion of the Property, nor shall anything be done thereon that may be or become a nuisance or annoyance.

- 11. No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste shall not be kept except in sanitary containers maintained in a neat and orderly manner. Equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition in rear yard only.
- 12. No Lot may be subdivided, altered or modified except as provided on the subdivision plat (s) recorded and to be recorded in connection with the development of the Property, provided however the Owner, with the approval of the Committee, shall have the right to re-subdivide, alter, modify, or vacate any subdivision plat as long as no Lot shown thereon has been conveyed by the Owner.
- 13. Each Lot shall be maintained free of tall grass, undergrowth, dead trees, weeds and trash and generally free of any condition that should decrease the attractiveness of the Property.
- 14. No Lot shall be cleared of trees or defoliated in such a manner as to decrease the attractiveness of the Property.
- 15. Exterior Construction of each dwelling on a Lot shall be completed within one year after the commencement thereof.
- 16. No exterior Radio or Television antenna or satellite dish shall be erected on any lot without the Committee's approval, unless otherwise protected by law.
- 17. All utility lines shall be buried with the exception of that part of the utility line which normally is located above ground.
 - 18. No Lot shall contain or have on it an above ground swimming pool.
- 19. The house numbers on the mail box posts will be designed and applied as the Architectural Committee so specifies.
- 20. A distinctive architectural post lamp will be provided to the original purchaser of any lot and shall be maintained and used continuously for its intended purpose and shall remain with the lot when such lot is resold.
- 21. Sidewalks will be exposed aggregate concrete, brick or other masonry products approved by the Committee. No smooth concrete surfaces will be allowed on any exterior areas except garage aprons.
- 22. Service yards incorporating heating and air conditioning equipment and trash areas must be approved properly located and screened.

D. The Bexley Homeowner's Association, Inc.

- 1. Every Homeowner (the Homeowner) of a Lot, upon which a house has been built and a Certificate of Occupancy has been issued by Chesterfield County, shall be a member of The Bexley Homeowner's Association, Inc. (The Association) and Membership shall be appurtenant to and may not be separated from ownership of that Lot.
- 2. The Homeowner shall be entitled to all the benefits and privileges of Membership and shall abide by all Rules and Regulations of The Association as long as they are current on payment of all Association dues and Assessments.

E. Severability.

1. Invalidation of any of the covenants hereof by judgment or court order shall in no way affect any of the above provisions which shall remain in full force and effect.

WITNESS the following signatures and seals all as duly authorized.

STATE OF VIRGINIA,

COUNTY OF CHESTERFIELD, to-wit:

The foreg	oing instrument was acknowledged before me thisday of
	, by Richard E. Collier, President of R. E. COLLIER, INCBUILDER, a
Virginia cor	poration, on behalf of the corporation.
My commis	sion expires:
•	
	Notary Public
	EXHIBIT A
All those of	ertain lots or parcels of land described on a plat of Bexley East, Phase II, Lots or
Broadstone	Crossing and Broadstone Crossing Court, made by Balzer and Associates, Inc.,
dated	, to be recorded in the Clerk's Office, Circuit Court of Chesterfield
County, Vir	ginia (P)
AYES:	Messrs. Wallin, Patton, Brown, Gulley and Waller.

C. <u>15SN0518</u>: In Clover Hill Magisterial District, **Rita Randolph Jones** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .8 acre known as 3900 Round Hill Court. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 764-690-6673.

Mr. Robert Clay presented an overview and staff's recommendation for approval. The property is zoned R-7 and is occupied by single family use. The applicant has proffered conditions that offer compliance with standard at home day care facilities, with the exception of fencing and one (1) employee, being the applicant's mother, with a two (2) year time limit. Staff recommends approval as it is compatible with zoning uses, similar day care homes have been approved and the applicant has offered eight (8) proffered conditions. Staff has received numerous calls and letters for this case with both support and objection to the at home day care business. While the applicant rents the property, the property owner supports her business.

In response to a question from Mr. Patton relative to changes to home day cares as a result of the recent tragedy, Mr. Clay responded he is not aware of any changes to the County laws.

In response to a question from Mr. Waller relative to the proffered time limitation, Mr. Clay responded the applicant has proffered two (2) years given that she is actively looking for another location.

Ms. Rita Jones, the applicant, stated she has been a child care provider for thirty (30) years and she and her husband opened an at home child care business to provide quality care for children.

Dr. Wallin opened the floor for public comments.

Ms. Elizabeth Peterson and Mr. Matthew Reynolds do not support the request indicating concerns relative to impacts on neighborhood residential character and traffic, and potential for setting a precedent for additional business uses.

Ms. Vicki Garnett, the property owner, supports the applicant and knows Ms. Jones is actively looking for another location.

Mr. Matthew Dunn, speaking for Ms. Mary Beth Hull, and Ms. Renee Voegelin support the applicant noting no noise impacts from the use, that increased area traffic is the result of new homes in the area, and that neighborhood covenants should be revisited relative to home-based businesses.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Gulley stated this is about land use, not the personal character or abilities of Ms. Jones. The Creekwood HOA took a neutral position to this case, supporting a one (1) year time limit for Ms. Jones. There are two (2) homeowners near Ms. Jones that are retired and they care periodically for their own grandchildren. They are concerned with the increased traffic in the cul-de-sac as a result of the home day care. Taking into consideration the position of the nearby homeowners makes this a difficult case.

Dr. Brown stated the traffic concerns may be real but the day care home is not the sole cause of increased traffic as there have been twelve (12) new homes recently built which generate more traffic. A licensed day care home is a safer place for children to be kept as they must have emergency plans for evacuations and, as Ms. Jones has gone through the licensing process, he will support the case.

Mr. Patton stated when he gets calls about potential day cares; he asks them to inquire how the adjacent neighbors feel about a business being in the neighborhood. He stated it would be more acceptable to the neighbors and to the Commission if the applicant would agree to move her business within a one (1) year period.

In response to a question from Mr. Waller relative to how many children she can care for, Mr. Clay advised she can care for five (5) children by right and there have been no complaints about her on file.

Mr. Waller indicated that if Ms. Jones is indeed looking for another location, he can agree to no fence and for a one (1) year timeframe. He cannot support the case for the two (2) year time period.

Dr. Wallin stated this case has both support and opposition; and that he could support a one (1) year time limitation, but not two (2) years.

In response to a question from Mr. Gulley relative to changing the timeframe, Ms. Jones agreed to a one (1) year time limitation for operating her at home day care on the subject property. Mr. Gulley requested that the record reflect Ms. Jones agrees that Proffered Condition 6 will be changed from a two (2) year to a one (1) year time limitation.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0518 subject to the following proffered conditions:

PROFFERED CONDITIONS:

- 1. <u>Non-Transferable Ownership</u>: This conditional use approval shall be granted to and for Rita Jones, exclusively, and shall not be transferable nor run with the land. (P)
- 2. <u>Expansion of Use</u>: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
- 3. <u>Signage</u>: There shall be no signs permitted to identify this use. (P)
- 4. <u>Number of Children</u>: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
- 5. <u>Hours of Operation</u>: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
- 6. <u>Time Limitation</u>: This conditional use approval shall be granted for a period not to exceed one (1) year from the date of approval. (P)
- 7. Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
- 8. <u>Employees</u>: No more than one (1) employee shall be permitted to work on the premises other than family member employees that live on the premises. (P)a

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

B. <u>13SN0519</u>: In Bermuda Magisterial District River's Bend East, LLC requests amendment of zoning (04SN0197) to modify cash proffers, tract boundaries & zoning map on 221.8 acs zoned R-12 located north of Meadowville Rd & within Meadowville Landing Subdivision. Density set by zoning conditions or ordinance. Comp Plan suggests Low (max 1 units/ac), Med-High Density Residential (min 4-8 units/ac) & water opportunity uses. Tax IDs 822-661-3043, 4694, 4969, 5346, 9039, 9171 & 9416; 822-662-5422, 7709, 7732 & 8838; 823- 660-1465 & 2793; 823-661-0132, 0310, 0653, 1195, 2713, 2779, 3490, 5194, 7485, 7597 & 7971; 823-662-0923, 5888, 7911, 8124 & 9432; 824-661-0060, 0183, 1365, 1492, 3482, 4392 & Pt of 4626; 824-662-0210, 0424, 1480, 2105, 2538, 2663, 2686, 3717, 3991, 4065, 4955, 5678, 6468, 6957, 7345 & 8086; 824-663-2711, 4117, 6027, 7202, 7331 & 8408; 825-660-9979; 825-661-6811; 825-662-6584, 7258, 7891 & 9097; 825-663-0139, 1214 & 7439; 826-661-8420; 826-662-0976, 2377, 3575, 4772, 5664, 5899 & 6770; & 826-663-0301, 1603, 3002 & 4301.

Ms. Darla Orr presented an overview to the Commission and staff's recommendation. Request I (proffer reduction) is to reduce the cash proffers to \$9000 per lot, being the amount offered in 2004 without the escalator accrued annually since that time. Request II (tract boundary modification) is to expand the acreage permitting 12,000 square foot lots. Staff recommends denial for Request I

as it fails to address impacts on capital facilities. Staff recommends approval of Request II as there are no increases in density and it is compatible with single family residential land use in the area.

Mr. George Emerson, the applicant, requested the Commission consider approval of Requests I and II. He stated he has delivered everything he promised the County relative to quality housing and amenities. Before Amazon was built, the lots sold at prices that were anticipated. Lots have decreased in value as a result of traffic issues caused by Amazon. While he will continue to deliver a quality product, the lots have to be reduced in size to help reduce the overall cost of the home as prices have gone down.

Dr. Wallin opened the floor for public comments.

Mr. Bob Olsen and Mr. Paul Grasewicz do not support Request I relative to the reduction in cash proffers, noting that the County should not subsidize the development, that the cash proffer amount from 2004 does not cover current facility costs, and that it is time to render a decision and to move this case forward to the Board.

Mr. George Emerson rebutted issues relative to transportation and schools.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Patton stated the applicant has echoed his concerns about traffic in the Bermuda district. Traffic problems in Bermuda have gotten worse this year especially with Amazon during the holidays. The market has changed so Mr. Emerson is right to downsize the lots and transportation issues are a challenge and he hopes Transportation steps up to address concerns. Woods Edge Road is a challenge and will be discussed at the January 20 Work Session. Mr. Patton will support Request II for lot alignment but cannot support the reduction of cash proffers in Request I.

Mr. Waller stated there is a transportation issue in Bermuda and this could be an influence on lot sales that the land owner has no control over. It is time for the County to step up and meet its obligations with roads.

In response to a question from Mr. Waller relative to Meadowville, Mr. Jesse Smith advised there is no phasing requirement in the language that addresses additional roads when development expands. Mr. Smith advised there will be conversation between Transportation and the County regarding plans for future growth and roads and Transportation will set up a meeting with Mr. Davis and Mr. Turner to discuss the issue.

Mr. Gulley advised he will support the approval of Request II regarding reduction of lot size and he will not support Request I regarding the reduction of cash proffers.

Dr. Wallin stated he would have preferred that this case had come forward maintaining the current proffer value and the escalator. He will support the motion as presented by Mr. Patton.

Mr. Waller feels the County should not look to the general tax payer to bail out the Economic Development Authority.

In response to a question from Mr. Patton, the applicant affirmed that, if Request II (tract boundary modification) was approved without approval of Request I (proffer reduction) and acceptance of Proffered Condition 1, Proffered Condition 2 relative to the tract boundary map was still proffered with the case.

On motion of Mr. Patton, seconded by Mr. Waller, the Commission recommended denial of Request I (proffer reduction) and did not accept Proffered Condition 1 and recommended approval of Request II (tract boundary modification) and acceptance of Proffered Condition 2 of Case 13SN0519 subject to the following proffered condition:

PROFFERED CONDITION:

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Numbers 822-661-3043, 4694, 4969, 9171 & 9416; 822-662-5422, 7709, 7732 & 8838; 823-660-1465 & 2793; 823-661-0310, 0653, 1195, 2713, 2779, 3490, 5194, 7485, 7597 & 7971; 823-662-0923, 5888, 7911, 8124 & 9432; 824-661-0060, 0183,–1492 & 4626; 824-662-0210, 0424, 1480, 2105, 2538, 2663, 2686, 3717, 3991, 4065, 4955, 5678, 6468, 3957, 7345 & 8083; 824-663-2711, 4117, 6027, 7202, 7331 & 8408; 825-660-9979; 825-661-6811; 825-662-6584, 7258, 7891 & 9097; 825-663-0139, 1214 & 7439; 826-661-8420; 826-662-0976, 2377, 3575, 4772, 5664, 5899 & 6770; & 826-663-0301, 1603, 3002 & 4301 ("the Property") under consideration will be developed according to the following proffered conditions if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

The Applicant hereby offers the following additional proffered condition applicable to Tax ID 824-661-4626:

2. Exhibit A prepared by Townes and dated September 23, 2014 shall be the exhibit referenced in proffered conditions of Case 04SN0197. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

D. <u>15SN0535*</u>: In Bermuda Magisterial District, **Dwight Allen Crews** requests conditional use to permit a business (contractor's storage yard) incidental to a dwelling and amendment of zoning district map in a Residential (R-7) District on 1 acre known as 12234 Parker Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.5 dwellings per acre or less). Tax ID 795-654-5864.

Mr. Robert Clay presented an overview to the Commission and staff's recommendation for denial. The applicant operates a contractor concrete storage yard in the rear of the home. The applicant has proffered conditions that offer buffers along the rear boundary, a ten (10) year timeframe, limit storage of specific equipment, no employees on-site, preclude signage and limit hours of operation.

Staff views the proffered buffer as being too shallow to provide neighbors a screened view. Staff recommends denial as this would allow commercial encroachment into a residential area.

Mr. Dwight Allen Crews, the applicant, does not agree to the recommendation. Before the economy slowed he had an off-site location but now he has downsized and does small jobs. The equipment he is using is a small single-axle dump truck and a small backhoe. He would like to park the equipment behind the house if it is not being used on the job site.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Patton stated he met with the applicant and attended the community meeting. The property is well kept and landscaped and you cannot see the equipment from the road. He is willing to support this small business owner with a ten (10) year time period.

Dr. Brown stated he will support the ten years (10) and the case.

Mr. Waller stated will support the ten (10) years as there is support and no neighbor opposition.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0535 subject to the following proffered conditions:

PROFFERED CONDITIONS:

- 1. <u>Non-Transferable Ownership</u>: This Conditional Use approval shall be granted exclusively to Dwight Crews, and shall not be transferable with the land. (P)
- 2. <u>Use</u>: This Conditional Use approval shall be for the operation of a contractor's storage yard, incidental to a dwelling. (P)
- 3. <u>Time Limitation</u>: This Conditional Use approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
- 4. <u>Equipment Storage</u>: The contractor's storage yard shall be limited to equipment storage only. Equipment storage shall be limited to:
 - a. One (1) Backhoe
 - b. One (1) Pick-up truck
 - c. One (1) Dump truck (single axle)
 - f. Two (2) flat-bed trailers
 - g. One (1) enclosed trailer. (P)
- 5. <u>Expansion of Use</u>: No new building or parking area construction shall be permitted to accommodate this use. The use shall be confined to the rear of the house and to the northwest corner of the rear yard. (P)

- 6. <u>Buffer:</u> A minimum five (5) foot buffer shall be maintained along the northern and southern property lines, to the rear of the residence, and along the western property line. In addition, these buffers shall comply with the requirements of the Ordinance for buffers that are less than fifty (50) feet. (P)
- 7. <u>Employees and Clients</u>: No employee shall be permitted to work on the premises other than family member employees that live on the premises. No clients shall be permitted on the property. (P)
- 8. <u>Signage</u>: There shall be no signs identifying this use. (P)
- 9. <u>Hours of Operation</u>: Movement of equipment shall be limited to Monday through Saturday from 6:00 a.m. to 6 p.m. Equipment shall not be moved on Sunday. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

F. 15SN0596: (Amended) In Bermuda Magisterial District, Colony Village LLC requests amendment of conditional use (Case 07SN0292) relative to number of multifamily residential units and first floor commercial use and amendment of zoning district map in Community Business (C-3) and General Business (C-5) Districts on 16.8 acres fronting 825 feet on the west line of Jefferson Davis Highway, 155 feet south of Velda Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for General Commercial and Community Commercial uses. Tax IDs 794-665-8176 and 794-666-6719.

Ms. Darla Orr presented an overview to the Commission and staff's recommendation for denial. The existing zoning for this property permits a maximum of 275 multi-family units as well as commercial uses. This request would increase density by sixty-five (65) dwelling units, accomplished with the addition of a fourth floor, limit the number of three (3) bedroom units to forty-four (44), and provide a sidewalk along Jefferson Davis Highway. While the development represents a significant improvement over former land uses and a quality product, the application fails to address development impacts on capital facilities and does guarantee a mixed use development. She further noted that the applicant has withdrawn his request to delete Proffered Condition 6 of the 2007 zoning which relates to the reservation for first floor commercial use, and that the applicant's proffered conditions were revised accordingly.

Mr. George Emerson, the applicant, does not agree to the recommendation noting the land was originally used as a trailer court; this project is much better than other projects in this area; and this type of project will give the consumer more confidence to move into this area.

Dr. Wallin opened the floor for public comments.

Mr. Phil Cunningham, representing the Jefferson Davis Association, stated the projects Mr. Emerson has produced in Bermuda have been quality; that the original project was approved without cash proffers; and the JDA supports this case.

Mr. Bob Olsen stated cash proffers support the entire County, not just in certain magisterial districts; funds are needed for revitalization of schools, particularly in Bermuda; and he opposes relief to cash proffers.

Mr. Paul Grasewicz indicated the applicant should provide a cash proffer for the additional dwelling units, noting the Board has provided clear direction on the Cash Proffer Policy and the initial development of this project was provided a generous incentive without a cash proffer. He questioned the feasibility of commercial uses for the development as a gated community.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

In rebuttal, Mr. Emerson stated that if the County wants to make a positive change in the Jefferson Davis Corridor, it needs to incentivize quality redevelopment.

Mr. Patton stated he sees this as a Phase Two of the original development and the applicant has offered a quality project and has assumed risk. This case is identical to the original with the exception of the three (3) bedroom unit limitation. The applicant has offered sidewalks to promote connectivity with future areas. This product is an oasis in a desert and he asks for support with this case.

Dr. Brown stated no cash proffers were approved on the first 275 units to incentivize the risk of this redevelopment project. The project has been successful; adding sixty-five (65) units does not present the risk incurred with the original project. As such, he cannot justify a risk based incentive when the risk is lower and will not support the case.

Messrs. Gulley and Waller agreed with Mr. Patton's position, noting this case is an example of how incentives should be considered to off-set risk for revitalization efforts.

Dr. Wallin stated he will support the case, noting that while not ensuring a vertical mixed use, the development is attractive and will result in increased tax revenue over a period of years.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0596, as amended, subject to the following proffered conditions:

PROFFERED CONDITIONS:

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Number 794-665-8176 and 794-666-6719 ("the Property") under consideration will be developed according to the conditions of Case 07SN0292 and the following proffered conditions if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

The applicant hereby amends Textual Statement Section II Item I as follows. All other conditions of Case 07SN0292 shall remain in force and effect:

1. <u>Number of dwelling units</u>. There shall be no more than sixteen (16) residential dwelling units per floor. The maximum number of dwelling units shall be 340 units. (P)

The applicant offers the following proffered conditions:

- 2. <u>Sidewalks</u>. Prior to the issuance of any additional certificate of occupancy, the applicant, sub-divider, or assignee(s) shall construct a five (5) foot wide concrete sidewalk along Jefferson Davis Highway immediately adjacent to the property. The exact design and location shall be approved by the Virginia Department of Transportation (VDOT). (T)
- 3. <u>Units.</u> A maximum of forty four (44) 3-bedroom units shall be permitted on the property. (P)

AYES: Messrs. Wallin, Patton, Gulley and Waller.

NAYES: Dr. Brown.

X. <u>CITIZEN COMMENT ON UNSCHEDULED MATTERS.</u>

There were no citizen comments on unscheduled matters.

XI. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Patton that the meeting adjourned at 9:25 p.m. to Tuesday, January 20, 2015 at 1 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES:	Messrs. Wallin, Patton, I	Brown, Gulley and Waller.		
Chairn	man/Date	 Secretary/Date		
Onami	nan, bate	ood otal y bato		